

REMARKS

Claims 1-41 are pending in this application. Claims 1, 11, 19, and 29 are the independent claims. Claims 1, 11, 19, and 29 are amended. Claim 41 is new. Example support for the claim 1, 11, 19, and 29 amendments may be found in para. [0029] of the specification. Example support for new claim 41 may be founding paras. [0031]-[0033] and FIG. 2. Reconsideration and allowance of the present application are respectfully requested.

Statement Under 37 C.F.R. §1.133(b)

In response to the telephonic interview conducted August 6, 2009 and the Interview Summary dated August 10, 2009, Applicant wishes to thank the Examiner for the courtesies extended during the interview. Applicants submit the following discussion to provide a complete record of the issues discussed during the Examiner Interview.

In regards to claim 1, Applicants and the Examiner discussed the feature, "sending the relay message over a tunneling medium to a second network controller operating according to a second radio technology," recited in claim 1. Applicants argued that by U.S. Patent No. 7,359,347 to Ahmaveera et al. ("Ahmaveera") does not disclose said feature because the only network controllers disclosed in Ahmavaara are a radio network controller (RNC 7) and a base station controller (BSC 11), **which are not connected by a tunneling medium.** (Ahmavaara col. 1, lns. 49-col. 2, ln. 7; col. 2, ln. 44-64.) In the current Office Action, the Examiner states, "It is right that there is no network connection between the first network controller (7) and the second network controller (11), but there is a direct communication line between the first network controller (7) and the second network controller (15) in figure 1." (5/21/09

Office Action p. 5.) Applicants respectfully disagreed, since Ahmavaara clearly discloses that the **"Serving GPRS Support Node (SGSN 15)" is not a network controller**. Ahmavaara does not refer to SGSN 15 as a network controller and neither is a serving GPRS support node understood in the art to be a network controller. (Ahmavaara col. 1, lns. 49-col. 2, ln. 7; col. 2, ln. 44-64.) The SGSN 15 is described as a location to store user data. (Id. at col. 7, ln. 3-5.)

The Examiner maintained that Ahmavaara disclosed the abovementioned feature. According to the Examiner, the SGSN 15 may be interpreted as a "network controller."

Also, Applicants proposed amending claim 1 to recite, "the message relay request including a network controller identifier identifying a second network controller capable of receiving a signal from the mobile station. Applicants argued that Ahmavaara does not disclose said feature because, assuming *arguendo* the Examiner's interpretation of the SGSN 15 as a network controller, the radio network controller (RNC 7) in Ahmavaara receives a message including an identifier of the SGSN 15, which is not capable of receiving a message from the mobile station. **However, (i) only the base station controller (BSC 11) is capable of receiving a signal from the mobile station, and (ii) the radio network controller (RNC 7) does not communicate at all with the base station controller (BSC 11).** The Examiner agreed that such an amendment would overcome the current art grounds for rejection. However, the Examiner also noted that such an amendment would necessitate an additional search of the art.

Regarding claim 19, Applicants and the Examiner discussed the feature, "sending at least one message identifying [...] (ii) wireless elements available to the wireless unit for each of a plurality of network types," of claim 19. Applicants argued

that U.S. Pat. Application Pub. 2002/0087674 to Guilford ("Guilford") does not disclose said feature because the current service provider disclosed in Guilford does not send a message identifying wireless elements (e.g., base stations) available to the wireless device 12. The system in Guilford includes a wireless device 12 sending a new service request (S 90) to a current service provider operating under a home platform. (Guilford para. [0070]; FIG. 5 and 7b.) If the current service provider is not capable of providing the requested service, "the current service provider will determine whether the request can be serviced through its existing portfolio of platforms," (S 94 to S 108). (Id. at para. [0071]; FIG. 7b.) "If **one** of these platforms can service the request, the current service provider [...] instructs the wireless device 12 to reconnect to the new platform." (Id. at para. [0071].) However, the current service provider does **not** send a message identifying wireless elements (e.g., base stations) available to the wireless device 12 **for each of the platforms in the portfolio of platforms**.

The Examiner agreed that Guilford does not disclose the abovementioned feature, but suggested further amending claim 19 to further specify that the "at least one message" is being sent to a wireless unit. In Guilford, the current service provider's entire portfolio (or even more than one entry in the portfolio) are never sent to the wireless device 12. The Examiner agreed that such an amendment would overcome the current art grounds for rejection. However, the Examiner also noted that such an amendment would necessitate an additional search of the art.

In view of the above-discussed interview, independent claims 1, 11, 19, and 29 have been amended to further distinguish over the cited art. No other pertinent matters were discussed.

Rejections under 35 U.S.C. §102 - Ahmavaara

Claims 1-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,359,347 to Ahmavaara et al. ("Ahmavaara"). In light of (1) the agreements reached by the parties during the Examiner Interview and (2) the currently presented amendment of claim 1, this art grounds of rejection of claim 1 is rendered moot. Applicants further submit that dependent claims 1-10 are allowable at least by virtue of their dependency from claim 1. Independent claim 11 and its dependent claims 12-18 are allowable for at least reasons somewhat similar to those set forth above with regard to claim 1. Therefore, Applicants respectfully requests that this art grounds of rejection of these claims under 35 U.S.C. § 102 be withdrawn.

Rejections under 35 U.S.C. §102 - Guilford

Claims 19-40 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Pub. No. 2002/0087674 to Guilford et al. ("Guilford"). In light of (1) the agreements reached by the parties during the Examiner Interview and (2) the currently presented amendment of claim 19, this art grounds of rejection of claim 19 is rendered moot. Applicants further submit that dependent claims 18-28 are allowable at least by virtue of their dependency from claim 19. Independent claim 29 and its dependent claims 30-40 are allowable for at least reasons somewhat similar to those set forth above with regard to claim 19. Therefore, Applicants respectfully requests that this art grounds of rejection of these claims under 35 U.S.C. § 102 be withdrawn.

New Claims

Applicants include in the present amendment new dependent claim 41. Claim 41 does not introduce any new matter. Applicants further submit that dependent claim 41 is allowable at least by virtue of its dependency from claim 1. Furthermore, Applicants note the following distinctions.

New claim 41 requires, *inter alia*, “wherein upon receiving the relay message, the second network controller performs a registration process with a mobile switching center of the second radio technology.” At least this feature is not disclosed or taught by Ahmavaara.

Ahmavaara discloses a handover from a first controller in a first network (RNC 7 in UTRAN 8/SRNS) to a second controller in a second network (base station controller 11 in BSS 9/GSM). (Ahmavaara col. 6, lns. 17-26 and 36-57; FIG. 2.) The actual handover, however, includes interaction with a third network (core network 2 with SGSN 15). (Id. at col 4, lns. 44-43; FIG. 1.) More specifically, the first network controller initiates the handoff request by sending “relocation request messages” to a mobile switching center MSC 13 in the third network. (Id. at col. 7, ln. 60 - col. 8, ln. 6; FIG. 3A, step 1.) Thereafter, various interactions take place between network elements in the third network. (Id. at FIGS. 3A and 3B.) However, as is clearly indicated by FIGS. 3A and 3B, none of the interactions involve the second network controller (BSS). **That is to say, (i) the second network controller does not even interact with the MSC 13, and (ii) the MSC 13 is not even of the same radio technology as the second network controller.** In contrast, new claim 41 requires, “wherein upon receiving the relay message, the second network controller performs a registration process with a mobile switching center of the second radio technology.” For at least this reason, Ahmavaara does not disclose the abovementioned feature of

claim 41. Therefore, Applicants submit that that the art grounds of rejection of claims 1-10 under 35 U.S.C. § 102 do not apply to claim 41.

CONCLUSION

Accordingly, in view of the above, reconsideration of the objections and rejections and allowance of each of claims 1-40 in connection with the present application is earnestly solicited.

As discussed above, Applicants respectfully request that the Examiner contact the undersigned to discuss the Applicants' reasoning and/or possible claim amendments that may place the application in condition for allowance.

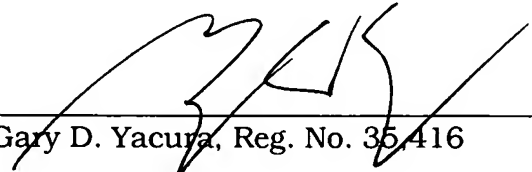
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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